

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 22, 1965

Appeal No. #8369-70 Protestant Episcopal Cathedral Foundation, Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on September 28, 1965.

DATE OF THIS ORDER -- February 7, 1966

ORDERED:

That the appeal to permit establishment of private school at Wisconsin Avenue and Woodley Road, NW., known as National Cathedral School, lots 803 and 806, Square 1922 in Appeal #8369; and to permit establishment of private school at 3501 Newark Street, NW., known as Rosedale, lot 3, Square 1954 in Appeal #8370, be granted.

FACTS:

1. On November 6, 1964 the Protestant Episcopal Cathedral Foundation filed two appeals with the Board:

Appeal #8000 - to establish a private school at Wisconsin Avenue and Woodley Road, NW., on Lots 803 and 806, Square 1922, to be used for a group of teaching facilities.

Appeal #8001 - to establish a private school at 3501 Newark Street, NW., known as Rosedale, Lot 3, Square 1954, to be used ~~for~~ a group of dormitory facilities.

2. On November 24, 1964 a public hearing was held on both appeals.

3. On December 1, 1964 an Order of the Board was entered granting appeal #8000, said Order being made a part of this Order by reference.

4. At this time (appeal #8369) appellants are requesting the reinstatement of the Order of December 1, 1964 for appeal #8000 since said Order has expired.

5. On December 22, 1964 an Order of the Board was entered granting appeal #8001, said Order being made a part of this Order by reference.

6. Before issuing Order 8001, the Board questioned the appellants site plan and after meeting with the architects caused changes to be made in the site plan which would achieve a better relationship between the three new buildings and the old existing residential building known as Rosedale. The resulting site plan is noted "Approved site plan, W.E. Chase, 12/22/64."

7. Subsequent to the Board's Order and site plan approval, opponents objected to the new site plan (12/22/64) and a delegation of the Board met with the opponents and a further modification resulted which increased the distance between the new dormitory buildings and lots on 34th Place.

The resulting site plan was accepted by the Board and is noted "Final approved plan, 4/21/65, W. E. Chase."

8. Appellants have stated that they are pleased with the plan of 12/22/64 but would accept the plan of 4/21/65 in order to forestall further delay of their building program.

9. Opponents challenge the Board's authority to approve a plan which was not available to the public at the time of the hearing on November 25, 1964.

10. In order to clarify the record, the Board scheduled a rehearing of #8001 as #8370.

11. There was opposition to appeal #8370 at the hearing. Opponents have further questioned the Board's authority to schedule the rehearing.

OPINION:

In appeal #8369, the Board is of the opinion that it is both just and proper to reinstate its approval of appeal #8000 originally granted on December 1, 1964.

In appeal #8370, the Board is of the opinion that it was proper to rehear this case because the Board did not deny the original appeal #8001. Section 8204.3 of the regulations states that an applicant whose appeal has been denied shall not institute a new appeal within one year. Since the appeal was granted, the Board does not believe Section 8204.3 applies.

The Board is further of the opinion that, since all three site plans were available and discussed at the September 22, 1965 hearing, the Board is now in a position to select the plan which in its judgement achieves the best civic design and is least detrimental to the neighborhood. Therefore, the Board grants appeal #8370 subject to development in accordance with the site plan on file and marked "Approved site plan, W. E. Chase 12/22/64" and "Approved, BZA, by Arthur B. Hatton, Sept. 28, 1965."